



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,500	10/05/2001	Wolfgang Ehrfeld	FMW-JJ-PCT-US	4111

28862 7590 12/13/2002

HUDAK, SHUNK & FARINE, CO., L.P.A.
2020 FRONT STREET
SUITE 307
CUYAHOGA FALLS, OH 44221

EXAMINER

MULLINS, BURTON S

ART UNIT PAPER NUMBER

2834

DATE MAILED: 12/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/889,500

Applicant(s)

EHRFELD ET AL.

Examiner

Burton S. Mullins

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2001 (preliminary amendment).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3&6. 6) ☐ Other:

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on September 19, 2001 has been considered by the examiner.

Drawings

3. Figures 1-13 are not in the case. Applicant is requested to submit new formal drawings. The requirement for corrected drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities: In the "Brief Description of the Drawings" section, each figure, e.g. Figures 5a and 5b, 6a and 6b, etc., must be described.
5. On p.4, line 23 and p.7, line 15, change " \leq " to --less than or equal to--.
Appropriate correction is required.
6. The term "prestressing device" used throughout the specification to describe the flux-conducting ring 21 is objected to. While applicant may be his or her own lexicographer, a term may not be given a meaning repugnant to the usual meaning of that term. See *In re Hill*,

Art Unit: 2834

161 F.2d 367, 73 USPQ 482 (CCPA 1947). As it stands, the adjective "prestressing" has no meaning. Its relation to the function of the flux-conducting ring 21 in the motor is vague at best. Instead, it appears to be a literal translation of the word "Vorspannung" (used in the original German application) in the context of electric current and voltage circuits. The examiner suggests replacing "prestressing device" with ---flux-return device--- or a similar phrase to more accurately describe the ring's function. See the attached copy of the term from the German-English technical dictionary.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As described in the objection to the specification above, the term "prestressing" is vague and indefinite. While applicant may be his or her own lexicographer, a term in a claim may not be given a meaning repugnant to the usual meaning of that term. See *In re Hill*, 161 F.2d 367, 73 USPQ 482 (CCPA 1947). The term "prestressing" in claims 1 and 3-8 does not describe the ring in any meaningful way. As explained by the examiner above, the term ---flux-return--- or a similar phrase more appropriately characterizes the ring.
9. In claim 3, the term "closed" is vague and indefinite. The ring is described as "annular." Is not an annular ring by definition "closed" in the sense that it forms a closed loop?

Art Unit: 2834

10. In claim 4, "ring segment" is vague and indefinite. Does this mean a single annular ring comprises multiple "segments" or that an annular ring comprises a segment in its totality, with the implication being that there may be more than one ring?

11. In claim 5, recitation "opposite which the annular prestressing device is located in the radial direction" is vague, confusing and non-idiomatic language. Does applicant mean ---an annular flux-return element located radially opposite the annular prestressing device---?

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Mueller et al. (US 4,164,690). Mueller teaches a fan motor (Fig.3) with an armature disk 59 rotatably mounted and provided with permanent magnets 30; a stator comprising a stator plate 11 and coils 27/28 wherein an annular soft-magnetic prestressing device (flux-return rings 26) is arranged concentrically on the stator plate in such a manner that at least one section of the prestressing device 26 is located below the coil window of the coils 27/28 in the axial direction (see Figs.3&9). Regarding claim 2, the stator plate is non-magnetic, GFK plastic material (c.2, line 31).

Art Unit: 2834

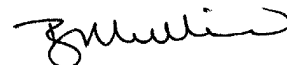
Allowable Subject Matter

14. Claims 5-8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. Regarding claim 5, as best understood, Mueller and the prior art of record, alone or in combination, does not teach that the stator flux-return ring is located radially opposite the rotor flux-return element.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Burton S. Mullins whose telephone number is 305-7063. The examiner can normally be reached on Monday-Friday, 9 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are 305-1341 for regular communications and 305-1341 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-0956.



Burton S. Mullins
Primary Examiner
Art Unit 2834

bsm
December 11, 2002

GERMAN-ENGLISH
TECHNICAL AND ENGINEERING
DICTIONARY

U. S. LIBRARY OF CONGRESS

BY

LOUIS DE VRIES

Professor of Modern Languages, Iowa State College

"I shall not think my employment
useless or ignoble if . . . my labors
afford light to the repositories of
science."

—Dr. SAMUEL JOHNSON

MCGRAW-HILL BOOK COMPANY, INC.
NEW YORK TORONTO LONDON
1950

